

so they will not be saying: Well, this group is being cut or this group is being hurt, and so on. There may be some groups for which there would be pluses or minuses as to what they would have received compared to last year, but basically a continuing resolution says: Continue at last year's level. So I want to make sure that is noted as well.

#### IRAQ

Mr. NICKLES. Mr. President, the majority leader filed a cloture motion on the motion to proceed to the resolution dealing with Iraq. I happen to be proud of the fact the Senate has bipartisan support for this resolution.

The President has worked hard on it, as well as Senator LIEBERMAN, Senator WARNER, Senator MCCAIN, Senator BAYH, and others. I compliment them for that. I look forward to the debate. I think we can have a good debate.

We can pass a positive resolution that will reaffirm the United States in saying we believe the resolutions we supported and passed in the United Nations should be enforced. This body and the United Nations have passed several resolutions telling Iraq they must comply, and then not enforcing them, and we have done it year after year.

In 1998, we passed a resolution unanimously saying we should enforce the existing resolutions requiring Iraq to disarm. Unfortunately, that resolution was good on paper, but it was not enforced.

Now we have an administration that says they are willing to enforce it. I believe this Congress will stand behind President Bush in saying: Yes, we will give you the authorization to enforce it.

These resolutions mean something. We don't think it is acceptable to have a person with Saddam Hussein's known history of using weapons of mass destruction against his own people, and also invading his neighbors, and lobbing missiles against Israel and Saudi Arabia—it is not acceptable for him to be developing further these weapons of mass destruction. That is against the United Nations resolutions.

We are saying these resolutions mean something. Let's enforce them. We said that unanimously in 1998. It is going to be interesting to see if people want to weaken what we passed in 1998.

I hope our colleagues read President Clinton's statement he made in 1998 to the Pentagon that talked about the need for strong enforcement. That is not the same speech President Clinton made yesterday in London, unfortunately. And I am very disappointed in President Clinton's speech.

Former Presidents usually have a tradition to not undermine current administrations in foreign policy, certainly in foreign lands, and that is not what President Clinton did. President Clinton, in London, I think, made a speech that very much undermines the current administration, including the

administration in London, in trying to develop an international coalition to stand up to Iraq and Saddam Hussein.

I mention that. I don't really like being critical of anyone or any administration, but for the former administration, which did not enforce the existing U.N. resolutions during their tenure, during their 8 years in office, did not pursue terrorists, including terrorists that were al-Qaida, who were directly responsible for blowing up two U.S. Embassies in Africa in 1998, and the USS *Cole* in the year 2000—when they did not go after the terrorists aggressively after those two terrorist attacks, did not enforce the U.N. resolutions, then to have President Clinton being critical of President Bush in Great Britain I think is very demeaning to the office, and I am very regretful a former President would make such a statement.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONFIRMATION OF RONALD CLARK

Mr. LEAHY. Mr. President, last night, the Senate confirmed its 79th and 80th judicial nominees, and its 65th and 66th nominees to the Federal district courts since the change in Senate majority and reorganization of the Judiciary Committee less than 15 months ago. In so doing, we have confirmed more judicial nominees than were confirmed in the first 15 months of any of the past three Presidents, and more nominees than were confirmed in the last 30 months that a Republican majority controlled the Senate. We have done more in half the time. We have achieved what we said we would by treating President Bush's nominees more fairly and more expeditiously than President Clinton's nominees were treated.

Since the summer of 2001, we have held more hearings for more judicial nominees and more hearings for circuit court nominees than in any 15-month period of the six and one-half years in which Republicans last controlled the Committee. With our hearing last week, the Democratic-led Judiciary Committee has not held 25 hearings for 96 district and circuit court nominees. This is approximately double the pace at which the Republican majority con-

sidered President Clinton's nominees. The Judiciary Committee has likewise voted on more judicial nominees, 83, and on more circuit court nominees, 17, than in any comparable 15-month period of prior Republican control. In fact, Democrats have given votes to more judicial nominees and, in particular, to nominees to the Courts of Appeals, than in 1996 and 1997 combined, and than in 1999 and 2000 combined.

Last night, the Senate voted on the nomination of Ronald Clark to the United States District Court for the Eastern District of Texas. I was troubled by a number of aspects of Mr. Clark's background. Since 1997, Mr. Clark has been a Representative in the Texas State Legislature. His record as a State legislator is controversial, as he has taken positions that would, among other things, limit civil rights, consumer rights and women's reproductive rights. But he has never served as a judge, and he assured us that, as a judge, he would follow precedent and apply the law as written, without partisanship. I am hopeful that Mr. Clark will be a person of his word: that he will follow the law and not seek out opportunities to decide cases in accord with his private beliefs rather than his obligations as a judge.

The confirmation of Mr. Clark last night made the 28th nominee that we have confirmed to fill a judicial emergency vacancy since the change in Senate majority last year, and the 21st judicial emergency vacancy that we have filled this year. Despite Republican claims about a crisis in the courts, this Administration has failed to nominate people to ten seats that have been declared judicial emergencies, seven vacancies on the Courts of Appeals and three vacancies on the District Courts.

I would note that President Bush has nominated nine people to fill district court vacancies in Texas, and with yesterday's vote, we have already considered seven of them and confirmed six of them. Mr. Clark's confirmation made the 13th Texas nominee that we have confirmed and the second nominee that we confirmed to the District Court for the Eastern District. With his confirmation, there are no longer any vacancies on the district court for the Eastern District of Texas. With our confirmations earlier this year of Randy Crane and Andrew Hanen to the District Court for the Southern District of Texas, we filled the remaining vacancies in that court as well. We have provided much needed help to the courts in Texas, which are facing large caseloads and some of the highest number of filings of criminal cases in the country.

Under Republican control of the Senate, three Texas judicial nominees never received hearings or votes. The Republican-led Senate failed to provide any hearings on nominees to the Court of Appeals for the Fifth Circuit, which includes Texas, in the six years of their majority during the Clinton Administration. Moreover, they delayed action

or gave no hearings to a number of district court nominees.

It was not long ago when the Senate was under Republican control that it took 943 days to confirm Judge Hilda Tagle to the United States District Court for the Southern District of Texas. She was first nominated in August 1995, but not confirmed until March 1998. When the final vote came, she was confirmed by unanimous consent and without a single negative vote, after having been stalled for almost three years. I recall the nomination of Michael Schattman to a vacancy on the Northern District of Texas. He never got a hearing and was never acted upon, while his nomination languished for over two years. These are district court nominations that could have helped respond to increased filings in the trial courts if acted upon by the Senate over the last several years.

Yesterday's confirmation of Mr. Clark serves as another example of the Democrats' proven record of action and fairness on this President's judicial nominees. Even though Mr. Clark is a conservative Republican, as the Chairman of the Judiciary Committee, I voted to report him out of Committee and I voted to confirm him yesterday, based on his testimony before the Committee and his written word. Far from payback for Republican actions in the recent past, the Democratic-led Senate continues to take action notwithstanding those wrongs and to help solve a vacancy crisis created solely by the Republican obstruction and defeat of more than 50 of President Clinton's nominees.

Despite the right-wing and partisan din about blockades and obstructionism, Democrats are actually achieving almost twice as much as our Republican counterparts did to staff the Federal courts. But let me be clear. We would be even farther along if so many circuit court and district court nominees of the prior administration had not been purposely blocked and defeated, and if we received more timely reviews from the ABA, even a little cooperation from this unilateralist Administration and received the nominations of more moderate, mainstream judicial nominees.

#### CONFIRMATION OF JUDGE JAMES GARDNER

Mr. LEAHY. Mr. President, with last night's votes on two district court nominees, including Judge James Gardner to the United States District Court for the Eastern District of Pennsylvania, the Senate has confirmed its 79th and 80th new judges since the change in majority last summer. In less than 15 months, we have confirmed more judges than the Republican majority confirmed in its final 30 months in the majority. We have been more than twice as productive as they were and Republicans are nonetheless complaining that we have not worked three

or four times as fast as they did to fill vacancies that their inaction perpetuated. Similarly, in less than 15 months of Democratic control of the Judiciary Committee, we have confirmed more judicial nominees than Republicans did in the first 2 full years they controlled the Senate in 1995 and 1996, combined, and we have confirmed more judges than Republicans allowed to be confirmed in 1999 and 2000 combined. We have been more fair and more expeditious regarding judicial nominations than Republicans were during their prior 6½ years of control of the Senate.

Last night's vote is another example. The Senate has acted quickly on this nomination to the District Court in Pennsylvania. Judge Gardner was nominated at the end of April, received an ABA peer review in July, participated in a hearing in August, was reported out of the Senate Judiciary Committee in September, and was confirmed last night. The Judiciary Committee has held hearings for 11 district court nominees from Pennsylvania and the Senate has now confirmed all 11 of them in just 6 months.

In addition, a Third Circuit nominee, Judge Brooks Smith of Pennsylvania, was also confirmed, although not without controversy based on his record. With the confirmation of 12 judges from Pennsylvania, there is no State that has had more Federal judicial nominees confirmed by this Senate than Pennsylvania. The Senate Judiciary Committee and the Senate as a whole have done well by Pennsylvania. This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate, particularly regarding nominees in the western half of the State.

Despite the best efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure confirmation of all of the judicial nominees from every part of his home State, there were seven nominees by President Clinton to Pennsylvania vacancies were never given a hearing or a vote.

A good example of the contrast between the way the Democrats and Republicans have treated judicial nominees is the case of Judge Legrome Davis, a well qualified and uncontroversial judicial nominee. He was first nominated to the Eastern District of Pennsylvania by President Clinton on July 30, 1998. The Republican-controlled Senate took no action on his nomination and it was returned to the President at the end of 1998. On January 26, 1999, President Clinton re-nominated Judge Davis for the same vacancy. The Senate again failed to hold a hearing for Judge Davis and his nomination was returned after 2 more years.

Under Republican leadership, Judge Davis' nomination languished before the Committee for 868 days without a hearing. Unfortunately, Judge Davis was subjected to the kind of inappropriate partisan rancor that befell so

many other nominees to the district courts in Pennsylvania during the Republican control of the Senate. This year, the Democratic-led Senate moved expeditiously to consider Judge Davis, and he was confirmed in just 84 days. The saga of Judge Davis recalls for us so many nominees from the period of January 1995 through July 10, 2001, who never received a hearing or a vote and who were the subject of secret, anonymous holds by Republicans for reasons that were never explained.

In contrast, the hearing we had earlier this year for Judge Conti was the very first hearing on a nominee to the Western District of Pennsylvania since 1994, despite President Clinton's qualified nominees. It is shocking to me that this was the first hearing on a nominee to that court in 8 full years. No nominee to the Western District of Pennsylvania received a hearing during the entire period that Republicans controlled the Senate in the Clinton administration. In fact, one of the many nominees to the Western District, Lynette Norton, waited for almost 1,000 days, and she was never given the courtesy of a hearing or a vote. Unfortunately, Ms. Norton died earlier this year, having never fulfilled her dream of serving on the Federal bench. With the confirmation of Judge Conti earlier this year, we confirmed the first nominee to the Western District of Pennsylvania since October 1994.

Despite this history of poor treatment of President Clinton's nominees, the Democratic-led Senate continues to move forward fairly and expeditiously. Democrats have reformed the process for considering judicial nominees. For example, we have ended the practice of secretive, anonymous holds that plagued the period of Republican control, when any Republican Senator could hold any nominee from his or her home State, his or her own circuit or any part of the country for any reason, or no reason, without any accountability. We have returned to the Democratic tradition of regularly holding hearings, every few weeks, rather than going for months without a single hearing. In fact, we have held 25 judicial nominations hearings in the past 15 months, and we plan to hold our 26th judicial nomination hearing this coming Monday. We have held a confirmation hearing for judicial nominees every month since the Judiciary Committee was reorganized in July 2001, including two hearings during the August recess in 2001. In contrast, during the 6½ years of Republican control, there were 30 months in which Republicans held no hearings on judicial nominees.

By already holding 25 hearings for 96 of this President's judicial nominees in just 15 months, we have held hearings for more circuit and district court nominees than in 20 of the last 22 years during the Reagan, first Bush, and Clinton administrations.

While some complain that a handful of circuit court nominees have not yet